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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,405	09/10/2003	Young Gon Kim	10030693-1	5847

7590 09/26/2005  
AGILENT TECHNOLOGIES, INC.  
Intellectual Property Administration  
Legal Department, DL429  
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Loveland, CO 80537-0599

EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2828

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,405

Applicant(s)

KIM ET AL.

Examiner

Dung (Michael) T. Nguyen

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I, claims 1-13 in the reply filed on 08/16/05 is acknowledged.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMonagle et al. (5808296) in view of Fischer (20030091076) and further in view of Kaminishi (6618406).

With respect to claim 1, McMonagle show Fig.4 shows an input stage 46 receiving a first signal 42 and generating a second signal 52; a control circuit 36 generating a control signal 60; a limiting amplifier 56 having: an input signal receiving the second signal; a control terminal receiving the control signal; and an output terminal outputting a third signal (62, 64, and 34); a driver 32 receiving the third signal and

Art Unit: 2828

generating a fourth signal in response to the third signal; and a light source 38 receiving the fourth signal and generating a light in response to the fourth signal.

McMonagle lack a laser and an input stage with a steady voltage swing.

Fischer teaches a laser and an input stage with a steady voltage swing (para.0010-0011).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide McMonagle what is taught by Fischer to employ an alternative driven light source as a laser and to maintain the ability of the driver circuit to operate at high speeds (para.0011).

However, McMonagle and Fischer lack the limiting amplifier outputting a signal with an improved rise and fall time and an amplitude characteristic.

Kaminishi teaches the limiting amplifier outputting a signal with an improved rise and fall time and a peak amplitude characteristic (col.6, 1.38-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide McMonagle and Fischer what is taught by Kaminishi in order to provide a controllable and shaped signal to the laser driver circuit for driving the laser properly.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMonagle et al. (5808296) in view of Fischer (20030091076), further in view of Kaminishi (6618406), and even further in view of van de Plassche (3914683). McMonagle et al. (5808296) in view of Fischer

Art Unit: 2828

(20030091076) and further in view of Kaminishi (6618406) disclose all limitations of the claim except for the common mode.

Van de Plassche teaches the common mode (col.6, l.28-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide McMonagle, Fischer, and Kaminishi what is taught by van de Plassche in order to provide a controllable and shaped signal to the laser driver circuit for driving the laser properly.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMonagle et al. (5808296) in view of Fischer (20030091076), further in view of Kaminishi (6618406), and even further in view of Gassner et al. (6556345). McMonagle, Fischer, and Kaminishi disclose all limitations of the claims except for a register storing a digital control signal and a DAC receiving the digital control signal.

Gassner teach in Fig.15 a register storing a digital control signal 173 and a DAC 176 receiving the digital control signal.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide McMonagle, Fischer, and Kaminishi what is taught by Gassner in order to store the configuration signal data and to provide a digital-to-analog converter for output signals from the control unit (col.13, l.28-67).

Art Unit: 2828

*Allowable Subject Matter*

Claims 5-8 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Communication Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Michael Dung Nguyen

  
JAMES MENEFEE